

REMARKS

The present application was filed on March 30, 2001 with claims 1 through 50. Claims 1 through 50 are presently pending in the above-identified patent application. Claim 35 is proposed to be amended herein.

5 In the Office Action, the Examiner rejected claim 35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1-50 under 35 U.S.C. §102(e) as being anticipated by Anderson (United States Patent Application Number 2001/0025301).

10 Section 112 Rejections

Claim 35 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that claim 35 lacks the dependency in terms of claim structuring.

15 Claim 35 has been amended to address the Examiner's concern and Applicants respectfully request that the section 112 rejection be withdrawn.

Independent Claims 1, 14, 17, 21, 29, 32, 36, 44 and 47

Independent claims 1, 14, 17, 21, 29, 32, 36, 44, and 47 were rejected under 35 U.S.C. §102(e) as being anticipated by Anderson.

20 Regarding claims 1, 21, and 36, the Examiner asserts that Anderson teaches a) determining if network information is assigned to one or more preferred groups; and b) configuring a network to assign a higher priority to the network information when the network information is assigned to one or more preferred groups (page 4, paragraph 43), the higher priority being relative to network information not
25 assigned to one or more preferred groups (page 4, paragraph 40).

Applicants note that, although Anderson teaches that a "method should preferably prioritize transmission according to the destination that is receiving the most important, i.e. time critical, information" (page 2, paragraph 14), the method taught by Anderson *only* requires that "destinations receiving data *from many sources* will receive
30 *priority*." (Page 4, paragraph 43; emphasis added.) Anderson claims that "this is effective because communication stations 30 that receive traffic from many locations

have been shown to be more likely to be receiving more time-critical traffic, or *to have many users*. Communication stations 30 that receive data from only a few sources have been shown to be more likely transferring large amounts of data, for which some delay is acceptable.” (Page 18, paragraph 223; emphasis added.) Contrary to Anderson’s
5 assertion, the number a sources of from which data is received is not indicative of a time critical characteristic of the data, as would be apparent to a person of ordinary skill in the art.

In any case, Anderson does not disclose or suggest configuring a network to assign a higher priority to the network information when the network information is
10 assigned to one or more *preferred groups*. The present disclosure teaches that “preferred groups are those *groups of individuals* that are allowed to prioritize their communications over a network.” (Page 4, lines 11-12; emphasis added.) Anderson does not disclose or suggest that preferred groups are *groups of individuals*. Independent claims 1, 21, and 36 require configuring a network to assign a higher priority to the network information when
15 the network information is assigned to one or more preferred groups, independent claims 14, 29, and 44 require configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group, independent claims 17, 32, and 47 require determining if an individual belongs to one or more preferred groups; marking
20 network information associated with the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information.

Thus, Anderson does not disclose or suggest configuring a network to assign a higher priority to the network information when the network information is
25 assigned to one or more preferred groups, as required by independent claims 1, 21, and 36, does not disclose or suggest configuring a network to assign a higher priority to network information assigned to the individual when the prioritization privilege indicates that the network information belongs to a preferred group, as required by independent claims 14, 29, and 44, and does not disclose or suggest determining if an individual
30 belongs to one or more preferred groups; marking network information associated with

the individual with a priority label; and configuring a network to assign a higher priority, as compared to network information not marked with a priority label, to the marked network information, as required by independent claims 17, 32, and 47.

5 Dependent Claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46
 and 48-50

Dependent claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46, and 48-50 were rejected under 35 U.S.C. §102(e) as being anticipated by Anderson.

10 Claims 2-13, 15-16, 18-20, 22-28, 30-31, 33-35, 37-43, 45-46, and 48-50 are dependent on claims 1, 14, 17, 21, 29, 32, 36, 44, and 47, respectively, and are therefore patentably distinguished over Anderson because of their dependency from independent claims 1, 14, 17, 21, 29, 32, 36, 44, and 47 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-50, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

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Respectfully submitted,



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